

# **EXHIBIT D**

## CONDENSED TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF PENNSYLVANIA

BEY DILEMANI,

Plaintiff,

vs.

Civil Action No. 02-CV-2614

BUCA, INC.,

Defendant.

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DEPOSITION OF LORI A. VAN HOLMES  
Taken on behalf of the Plaintiff  
December 23, 2002

- - -

BE IT REMEMBERED THAT, pursuant to the Washington Rules of Civil Procedure, the deposition of LORI A. VAN HOLMES was taken before Tia B. Reidt, a Certified Shorthand Reporter, and a Notary Public for the State of Washington, on December 23, 2002, commencing at the hour of 10:50 a.m., the proceedings being reported at 601 Union Square, Seattle, Washington.

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1 Q. Did you meet with anyone else employed by Buca  
 2 during that conference in 1998?  
 3 A. No.  
 4 Q. Do you recall what the substance of your  
 5 conversation with Dan Durenberger was during that  
 6 conversation?  
 7 A. We both had recruiting tables because it's a  
 8 college -- it was a conference at a college that has a  
 9 hospitality program.  
 10 Q. Okay.  
 11 A. And he mentioned to me that they were looking  
 12 for a recruiter, and I said that maybe I could help him  
 13 find someone because I know people in Minnesota.  
 14 Q. Mm-hm. When you began employment with Buca in  
 15 April or May of 1998, was that in the position of  
 16 recruiter?  
 17 A. Correct.  
 18 Q. How did Buca first come to learn that you were  
 19 interested in a position as recruiter at Buca?  
 20 A. Well, Dan told me that he was looking for a  
 21 recruiter, so I called him just to check in. I had given  
 22 him a couple of names.  
 23 Then he kept talking to me -- and then  
 24 he said "Well, the person doesn't have to live in  
 25 Minnesota." They could live in any of their large

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1 markets, so he said Los Angeles, San Francisco, Seattle.  
 2 Q. Mm-hm. Was this conversation also at that  
 3 conference we were talking about?  
 4 A. No.  
 5 Q. When did this conversation take place?  
 6 A. This was on the phone between the conference --  
 7 after the conference.  
 8 Q. Do you remember when the conference was so I  
 9 don't have to keep calling it "the conference"?  
 10 A. I think it was in -- I don't know for a fact,  
 11 but I think it was in February -- February or March.  
 12 Q. How long after the February or March, 1998  
 13 conference, did you speak on the phone with Dan  
 14 Durenberger?  
 15 A. Well, I don't know exactly, Scott, but I would  
 16 say anywhere between two weeks and a month.  
 17 Q. Okay. What else do you recall about that  
 18 conversation?  
 19 A. I think that was pretty much it of that --  
 20 during that conversation.  
 21 Q. What was Dan Durenberger's position at Buca?  
 22 A. Director of training.  
 23 Q. Did you have subsequent conversations with Dan?  
 24 A. Yes. We -- we talked, and I told him that I  
 25 might be interested in the position, and then we basically

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1 had an interview.  
 2 Q. A telephone interview?  
 3 A. Correct.  
 4 Q. Did you meet with anyone else at Buca prior to  
 5 receiving an offer from Buca?  
 6 A. Yes, I did.  
 7 Q. Who?  
 8 A. I had a phone interview with Joe Kohaut.  
 9 Q. Okay.  
 10 A. I had a phone and a face-to-face interview with  
 11 Joe Talarico. I had a face to face interview with a --  
 12 one of our Paisano Partners.  
 13 Q. Do you recall who?  
 14 A. Carron Harris.  
 15 Q. Anyone else?  
 16 A. And then I met with Joe Micatrotto in person.  
 17 Q. Mm-hm.  
 18 A. I interviewed with Dan in person; they flew me  
 19 to Minnesota. I also interviewed with Stephanie March,  
 20 who was in the training department with Dan. Also while I  
 21 was in Minnesota, I met Joe Kohaut briefly, in person.  
 22 Q. When did you actually receive an offer from Buca  
 23 for employment?  
 24 A. In -- I think it was in April.  
 25 Q. And who made the offer to you?

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1 A. Dan Durenberger.  
 2 Q. Do you know if Joe Talarico had any involvement  
 3 in deciding whether to extend an offer to you?  
 4 A. I -- anyone who interviews somebody would  
 5 probably have an opinion. In my interview --  
 6 Q. Do you know if he was involved or not?  
 7 A. I don't know. All I know is that I  
 8 interviewed --  
 9 Q. Okay.  
 10 A. -- with him twice.  
 11 Q. Okay. What was the title of your position upon  
 12 your hire at Buca?  
 13 A. Recruiting manager.  
 14 Q. Are you still employed at Buca?  
 15 A. Yes.  
 16 Q. Is that still your title?  
 17 A. No.  
 18 Q. Can you walk me through the changes until your  
 19 current title, please?  
 20 A. Sure. I became senior family resource manager,  
 21 and last year in October I was promoted to director of  
 22 family resources for the West Coast.  
 23 Q. Throughout your employment at Buca, have you  
 24 always been stationed in Seattle?  
 25 A. Yes.

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1 Q. When you became senior family resource manager,  
 2 was that a promotion?  
 3 A. Yes.  
 4 Q. When did that take place?  
 5 A. I don't know, Scott. I don't know off the top  
 6 of my head. I mean it was probably a year and a half to  
 7 two years after I started there --  
 8 Q. Okay.  
 9 A. -- but I wouldn't be able to give you an exact  
 10 date.  
 11 Q. Do you know if it was before or after Buca  
 12 placed an ad for Paisano Partners in May of 2000?  
 13 A. I don't know. I honestly don't know. I mean we  
 14 can find out, I think, if we looked at my personnel file.  
 15 Q. Do you have that with you?  
 16 A. No.  
 17 Q. Okay. We may or may not need to, so let's move  
 18 on and see if I have to come back to that.  
 19 As a recruiting manager, who did you  
 20 report to?  
 21 A. I started out reporting to Dan Durenberger.  
 22 Q. Is Dan the only person you reported directly to  
 23 as a recruiting manager?  
 24 A. When I first started.  
 25 Q. Did you report to anyone else besides Dan while

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1 Q. Did anyone report to you in your role as  
 2 recruiting manager at Buca?  
 3 A. No.  
 4 Q. When you became a senior family resource  
 5 manager, who did you report to?  
 6 A. Jennifer Percival.  
 7 Q. Did your job duties change in any way --  
 8 A. Yes.  
 9 Q. -- with this promotion?  
 10 A. Yes. I took on training classes.  
 11 Q. You don't have to -- at the moment -- I'm not  
 12 sure if you were finished with the answer, but you don't  
 13 have to describe the differences because I'm going to ask  
 14 you what you did in these positions.  
 15 A. Okay.  
 16 Q. But thank you for that.  
 17 Did you report to anyone else besides  
 18 Jennifer Percival during the time you were senior family  
 19 resource manager at Buca?  
 20 A. No.  
 21 Q. Who did you report to when you became the  
 22 director of family resources for the West Coast?  
 23 A. Jennifer Percival.  
 24 Q. Do you still report to Jennifer Percival?  
 25 A. No.

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1 you were the recruiting manager for Buca?  
 2 A. Yeah.  
 3 Q. Who was that?  
 4 A. Well, Dan was my direct supervisor, and then Dan  
 5 got promoted.  
 6 Q. Mm-hm.  
 7 A. And for a while, I was reporting straight to Joe  
 8 Micatrotto.  
 9 Q. Okay.  
 10 A. But as a recruiting manager, you sort of report  
 11 to the DVPs. I mean they're not doing your review or  
 12 anything like that, but they're definitely telling you  
 13 what to do. You're taking directions from them.  
 14 Q. What does "DVP" stand for?  
 15 A. Divisional vice president.  
 16 Q. Okay. After Dan got promoted and you began  
 17 reporting to Joe Micatrotto, did you report to anyone  
 18 else --  
 19 A. Yes.  
 20 Q. -- as a recruiting manager at Buca?  
 21 A. Yes.  
 22 Q. Who is that?  
 23 A. Jennifer Percival.  
 24 Q. Anyone else?  
 25 A. No.

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1 Q. Who did you report to after Jennifer Percival?  
 2 A. Joe Kohaut.  
 3 Q. Okay. Do you still report to Joe?  
 4 A. No.  
 5 Q. Who next?  
 6 A. Wes Garnett.  
 7 Q. And then?  
 8 A. That's the current person.  
 9 Q. Have you now told me everyone you've reported to  
 10 during your employment at Buca?  
 11 A. Yes.  
 12 Q. As the director of family resource manager, did  
 13 you have anyone reporting to you?  
 14 A. Yes.  
 15 Q. How many people?  
 16 A. Well, directly two -- the two salary positions  
 17 were a market trainer and the recruiter. Then also I  
 18 function as a new restaurant opening manager, so all of  
 19 the trainers at a new restaurant opening would report to  
 20 me.  
 21 Q. Was that the reporting structure that remained  
 22 in effect during the time you were senior family resource  
 23 manager?  
 24 A. I don't -- I'm not sure I understand what you're  
 25 asking, Scott.

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Lori A. Van Holmes

December 23, 2002

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1 Q. Fair enough. You did the right thing. It's my  
2 job to ask good questions, so make sure you tell me if you  
3 don't understand my question.  
4 At any point during the time that you  
5 were senior family resource manager at Buca, did you have  
6 any direct reports other than the marketing trainer, a  
7 recruiter, and at times trainers at individual  
8 restaurants?  
9 A. When you -- you asked me what I did as a  
10 director, which is what you just described. That is not  
11 the case for the senior family resource manager.  
12 Q. Oh. Who reported to you as a senior family  
13 resource manager?  
14 A. We had a recruiting coordinator.  
15 Q. Okay. Anyone else?  
16 A. No.  
17 Q. Throughout the time you were senior family  
18 resource manager, did you ever have anyone reporting to  
19 you other than a recruiting coordinator?  
20 A. No.  
21 Q. Okay. Now, I understand from what you said  
22 before that as the director of family resources for the  
23 West Coast, you had a market trainer, a recruiter and at  
24 times trainers at restaurants that reported directly to  
25 you, right?

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1 Q. Okay.  
2 A. -- manager of management training, and new  
3 restaurant opening coordinator.  
4 Q. Okay. Now, we're at the point where I'm going  
5 to ask you to please tell me your job duties in the  
6 position of recruiting manager at Buca.  
7 A. Okay.  
8 Q. Go ahead, please.  
9 A. Okay. Placing ads, receiving resumes,  
10 responding back to resumes, interviews, coordinating  
11 subsequent interviews, coordinating reference checks,  
12 background checks, working with the divisional vice  
13 presidents throughout the process, creating the offer  
14 letter, coordinating the training of the candidate,  
15 follow-up with the candidate after they started training,  
16 travel for the candidate before and after training -- or  
17 before and after they were hired.  
18 Q. Have you finished your answer?  
19 A. I think so.  
20 Q. Okay. If during the course of your deposition  
21 you recall any of your job duties, will you please call it  
22 to my attention?  
23 A. Sure.  
24 Q. What were your job duties as the senior family  
25 resource manager?

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1 A. Correct.  
2 Q. Did anyone else ever report to you other than  
3 those people while you were director of family resources  
4 for the West Coast?  
5 MR. GERHAN: Scott, this is Dan. Can  
6 we put a timeframe on some of this stuff?  
7 The reason I'm asking is -- you know,  
8 I know that Mr. Dilemani's interviews occurred in the  
9 summer of 2000, and I want to make sure that your -- that  
10 the deposition is focused on that timeframe. I don't know  
11 when all of these positions started to change.  
12 MR. GOLDBERG: Well, I don't either.  
13 I don't think that Ms. Van Holmes is certain exactly when  
14 the promotions took place, and I don't need to go on very  
15 long about it. I just want to know if anyone else ever  
16 reported to her in her role as director of family  
17 resources for the West Coast.  
18 THE WITNESS: I had a -- in the  
19 interim -- I had some people report to me in an interim  
20 situation.  
21 BY MR. GOLDBERG:  
22 Q. Okay. What kind of function?  
23 A. That the people did?  
24 Q. Yes.  
25 A. One is an admin assistant --

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1 A. All of those I just described --  
2 Q. Mm-hm.  
3 A. -- as well as teaching classes at our Buca  
4 University.  
5 Q. Okay.  
6 A. New restaurant openings.  
7 Q. Mm-hm.  
8 A. Our internship program.  
9 Q. Is that everything?  
10 A. And I worked with our consultant on feedback on  
11 our training manuals.  
12 Q. Is that everything?  
13 A. Miscellaneous projects that my -- that Jennifer  
14 would ask me to do.  
15 Q. What types of classes do you teach or did you  
16 teach at Buca University?  
17 A. Interview and selection.  
18 Q. Is that it?  
19 A. No. A class on how to do a preshift.  
20 Q. How to what? I didn't hear you.  
21 A. Oh, I'm sorry. A preshift is a meeting that you  
22 do before the restaurant openings with the hourly family  
23 members.  
24 Q. Okay.  
25 A. Sexual harassment, time management, coaching and

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1 counseling.  
 2 Q. Is that all you can think of?  
 3 A. Yeah.  
 4 Q. When you mentioned your training classes on  
 5 sexual harassment, does that more generally cover other  
 6 types of employment discrimination?  
 7 A. We also discuss the ADA consistent  
 8 documentation.  
 9 Q. Is that the Americans with Disabilities Act?  
 10 A. Correct.  
 11 Q. Okay. And your job duties as the director of  
 12 family resources for the West Coast --  
 13 A. Are -- the recruiter reports to me, so I work  
 14 with her.  
 15 Q. Mm-hm.  
 16 A. New restaurant openings, the training manuals,  
 17 advertising for recruitment, advertising, Buca U classes  
 18 still. I help investigate any -- we call them "CRL  
 19 claims."  
 20 Q. What is a "CRL claim"?  
 21 A. If a call was called into the chief  
 22 responsibility officer, then I would go investigate it.  
 23 Q. What kinds of positions did you recruit for  
 24 throughout your tenure at Buca?  
 25 A. Primarily the management positions that we -- in

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1 Q. Okay. Now, aside from that change, did the  
 2 reporting structure you just described apply throughout  
 3 your employment at Buca?  
 4 A. At -- the COO -- the soon-to-be COO --  
 5 Q. Mm-hm.  
 6 A. -- was a divisional vice president, and then he  
 7 became the senior divisional vice president, and had DVPs  
 8 reporting to him --  
 9 Q. Okay.  
 10 A. -- along with Joe -- with the president.  
 11 Q. Okay. I think I've got it.  
 12 A. Okay.  
 13 MR. GOLDBERG: I guess this is  
 14 probably a good time to break for purposes of asking how  
 15 this is working on the speakerphone?  
 16 THE REPORTER: I can hear you just  
 17 fine, Scott.  
 18 MR. GERHAN: Yeah, I think it's fine.  
 19 MR. GOLDBERG: Okay. Do I need to  
 20 change my pace or anything like that? I'm asking, I  
 21 guess, particularly Ms. Reidt.  
 22 THE REPORTER: No. I can hear you  
 23 just fine. Everything is great. Believe me, I'll  
 24 interrupt if I don't hear. I promise.  
 25 MR. GOLDBERG: That's all I ask.

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1 the restaurant, but I've also helped with marketing  
 2 positions, construction.  
 3 Q. "Paisano Partner" is a management position at a  
 4 restaurant?  
 5 A. Correct.  
 6 Q. Are there other management positions at the  
 7 restaurant?  
 8 A. Yes.  
 9 Q. What are they?  
 10 A. Kitchen manager, assistant general manager, and  
 11 assistant kitchen manager.  
 12 Q. Do all of those positions report to the Paisano  
 13 Partner?  
 14 A. Correct.  
 15 Q. And who does the Paisano Partner report to?  
 16 A. The divisional vice president.  
 17 Q. Who reports to whom?  
 18 A. The president.  
 19 Q. I take it that the president just reports to the  
 20 board?  
 21 A. Right. And Scott, there has been a change now.  
 22 The COO -- we just had a COO, so now the DVPs report --  
 23 will be reporting to that person.  
 24 Q. How long ago did that change take place?  
 25 A. That's starting in January.

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1 Just a second. Okay. Does anyone on  
 2 that end need a break?  
 3 THE WITNESS: No, I'm fine.  
 4 MR. GERHAN: No, I think we're fine.  
 5 MR. GOLDBERG: Okay. Anytime you need  
 6 a break, of course, just let me know, Ms. Reidt. I know  
 7 you know that, Dan.  
 8 MR. GERHAN: Yeah.  
 9 THE REPORTER: Thank you.  
 10 BY MR. GOLDBERG:  
 11 Q. I want to discuss Buca's recruiting process for  
 12 Paisano Partners. Before I get into the specifics, I want  
 13 to ask you whether the recruiting process has changed  
 14 during your tenure at Buca.  
 15 A. It's -- when Joe Kohaut -- is that a question?  
 16 Q. Yes.  
 17 A. Okay. Do you want me to go through the process  
 18 first?  
 19 Q. Well, this is what I'm after: I want to  
 20 understand the process at any given point in time, so if  
 21 it's easier for you to first highlight changes to the  
 22 process, that's fine.  
 23 If you would rather -- if there are no  
 24 changes, we can go right into the process.  
 25 MR. GERHAN: I'm going to register an

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1 Q. What are the factors that the recruiter uses to  
2 decide whether to schedule an interview or instead reject  
3 the applicant upon receiving the resume?  
4 A. You could look at tenure -- tenure on the  
5 resume.  
6 Q. Mm-hm.  
7 A. Where they worked, what kinds of places they  
8 worked at. Do they have any restaurant experience or  
9 management experience?  
10 Q. Anything else?  
11 A. If they're currently working.  
12 Q. Are there any other factors you can think of?  
13 A. For the initial screening?  
14 Q. Yes.  
15 A. Possibly education. If they just -- if they  
16 didn't have that much experience, where did they go to  
17 school?  
18 Q. Is that everything?  
19 A. Yes.  
20 Q. Are these factors memorialized in (inaudible.)  
21 A. Pardon?  
22 Q. Is there a memo or employment manual that states  
23 that these are the factors that should be used in deciding  
24 whether to reject versus scheduling an interview for an  
25 applicant?

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1 A. Salary expectations.  
2 Q. Mm-hm.  
3 A. When we're talking -- going back to the tenure,  
4 just -- you know, they may have great tenure, but what is  
5 their sales volume? Is it like -- is it high volume or  
6 low volume?  
7 Q. Okay. Keep going.  
8 A. Examples of how they've developed people  
9 throughout their history of work like who they brought up  
10 through the ranks.  
11 Q. Is that everything?  
12 A. Yeah, pretty much.  
13 Q. If you think of something else during the course  
14 of this deposition, will you bring it to my attention?  
15 A. Sure.  
16 Q. How long does that initial telephone interview  
17 by the recruiter normally take?  
18 A. Depending on who you're talking to and if they  
19 know Buca, it can take anywhere from 30 minutes to an hour  
20 and 15 minutes.  
21 Q. Okay. What's the next step?  
22 A. Then the recruiter would -- I guess this is  
23 where there could be a change in what we did. It just  
24 depends on how -- I can't remember the timing of how it  
25 worked, but originally the recruiter would set up a

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1 A. No.  
2 Q. Any other document that states that these are  
3 the factors, to your knowledge?  
4 A. For looking at a resume?  
5 Q. Yes.  
6 A. I don't think so.  
7 Q. Okay. So let's continue with the process. If  
8 the person gets past the screening performed by the  
9 recruiter, what happens next?  
10 A. They would call and set up an interview and  
11 interview the candidate.  
12 Q. In person or on the phone?  
13 A. It's almost always on the phone.  
14 Q. Okay. That's performed by the recruiter?  
15 A. Correct.  
16 Q. What things are discussed during that interview?  
17 A. Past job history.  
18 Q. Mm-hm.  
19 A. How they manage people.  
20 Q. Okay.  
21 A. Costs -- how they manage costs.  
22 Q. Yes.  
23 A. What they like about the restaurant industry,  
24 what they don't like about the restaurant industry.  
25 Q. Anything else?

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1 subsequent interview, calling the Paisano Partner in the  
2 area and setting it up for person.  
3 It became that we were interviewing  
4 so many people, and at times the Paisano wasn't there, and  
5 there were a lot of phone calls back and forth, and it  
6 took too long, so we put the oweness on the candidate to  
7 go call the Paisano Partner to set up the interview.  
8 Q. Do you recall how it worked in Bey's case?  
9 A. I'm pretty sure that the oweness was on him to  
10 set up the interview -- the second interview.  
11 Q. Now, before setting up this interview or putting  
12 on oweness on the candidate to set up the interview, did  
13 the recruiter make another screening decision based on the  
14 telephone interview?  
15 A. I'm not sure I understand the question.  
16 Q. After the 30-minute to an hour and 15 minute  
17 telephone interview by the recruiter --  
18 A. Mm-hm. (Witness answers affirmatively.)  
19 Q. -- would the recruiter automatically go to the  
20 next step or would the recruiter first make a decision  
21 whether to reject an applicant as a result of that  
22 telephone interview?  
23 A. Oh, they may reject right then.  
24 Q. What factors would go into the recruiter's  
25 decision to reject following the telephone interview?

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1 A. If they didn't understand cost, if their  
2 management style wasn't in sync with the way we treat  
3 people.  
4 Q. Mm-hm.  
5 A. If they -- if their resume -- sometimes people  
6 will put things on their resume that don't jive when  
7 you're in the phone conversation.  
8 Q. Okay.  
9 A. Personality.  
10 Q. Okay. Anything else?  
11 A. Why we would reject someone?  
12 Q. (No response.)  
13 A. Is that it, Scott? Anything else on why we  
14 would reject someone?  
15 Q. Yes.  
16 A. I think that's pretty much it.  
17 Q. Okay.  
18 A. You know what? There would be something else  
19 for a rejection.  
20 Q. Yes?  
21 A. If you were interviewing someone like -- for  
22 instance, if I was interviewing you, and you had the TV  
23 blaring in the background, and it just seemed like -- it  
24 didn't seem like you were in tune with what we were doing  
25 on the interview, that would be another reason we would

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1 I mean the hundred percent sures --  
2 pretty much what I told you that we went through, that  
3 would be a knockout. If I wasn't sure on someone -- if I  
4 wasn't quite sure, I wouldn't knock them out just because  
5 I wasn't quite sure. I would let them go on to another  
6 interview so someone else could give another opinion.  
7 Q. Was there any formal list of factors that a  
8 recruiter was expected to base the recruiter's decision  
9 on?  
10 A. You mean like an evaluation form?  
11 Q. If there was one, yes.  
12 A. Yeah, we had an evaluation form.  
13 Q. Was there any other formal list of factors that  
14 a recruiter was expected to use in deciding whether to  
15 screen someone out following the telephone interview?  
16 A. I'm not sure what you mean "following the  
17 telephone interview."  
18 Q. Subsequent to the telephone interview.  
19 A. I'm still not sure what you mean, Scott.  
20 Q. Okay. When describing the process for  
21 recruiting Paisano Partners, I believe that we had said  
22 that there's sometimes an ad but usually not.  
23 The process usually begins with the  
24 receipt of the resume. The recruiter then screens  
25 resumes. The person passes that screening, and then the

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1 reject someone.  
2 Q. Okay.  
3 A. Actually, one other reason. Sorry. Actually  
4 two.  
5 One, if salary expectations weren't in  
6 line -- we have very strict salary guidelines, so if  
7 somebody was making a lot of money, and we are only paying  
8 so much, that might be a reason to knock them out because  
9 if -- you know, if you're making a \$100,000 a year, how is  
10 your lifestyle going to fit into making \$50,000 a year?  
11 Q. Mm-hm.  
12 A. Or -- what was I going to say? Salary -- oh, if  
13 you're interviewing for a position, and you want to stay  
14 in a certain location that we don't have an opening for,  
15 that would be another -- could be another knock out. For  
16 instance, if you were wanting to be in Seattle and I  
17 didn't have any openings in Seattle.  
18 Q. Is it fair to say that at the stage following  
19 the telephone interview, if the recruiter found whatever,  
20 in the recruiter's opinion, was a good reason, a recruiter  
21 could decide to screen the applicant out at that stage?  
22 A. I would say if the recruiter is not sure because  
23 it is on the phone, they would pass them on to the next  
24 interview because they don't want to rule someone out if  
25 they weren't sure.

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1 recruiter sets up a telephone interview.  
2 After that telephone interview, the  
3 recruiter decides whether to set up an interview with a  
4 Paisano Partner in an area or puts them on the phone with  
5 the applicant, or alternatively the recruiter decides to  
6 screen out the applicant at that stage. Am I right so  
7 far?  
8 A. That would all be on the same phone call.  
9 Q. Okay. At the conclusion of that phone call -- I  
10 believe you were giving me a list of factors that a  
11 recruiter could use to decide to screen out an applicant  
12 including: The applicant had problems with management  
13 styles, the resume was inaccurate in instances,  
14 personality issues, salary expectations that apply, et  
15 cetera?  
16 A. Correct.  
17 Q. We were talking about where those factors may be  
18 written down, and I believe you said that the evaluation  
19 form is one place, right?  
20 A. Right.  
21 Q. Is there any other place?  
22 A. I don't -- I don't think so.  
23 Q. Okay.  
24 A. But there might be.  
25 Q. If you think of one later, will you call it to

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1 my attention?  
 2 A. Sure.  
 3 Q. So let's say at that stage where a recruiter  
 4 decides not to screen the applicant. You were beginning  
 5 to say that at some point during your tenure there was a  
 6 change where it used to be that the recruiter would set up  
 7 an interview with a Paisano Partner in the area and now --  
 8 A. Mm-hm. (Witness answers affirmatively.)  
 9 Q. -- you're putting the oneness on the candidate,  
 10 right?  
 11 A. Correct.  
 12 Q. Regardless of which path was taken, what was the  
 13 next step, the interview itself?  
 14 A. Right. It's called an "on-the-job interview."  
 15 Q. How does that work?  
 16 A. The candidate meets -- first of all, we would  
 17 call the Paisano Partner and set up a time to meet.  
 18 Q. Mm-hm.  
 19 A. They are supposed to come in and meet with the  
 20 Paisano Partner. It gives them an opportunity to ask  
 21 questions and the Paisano Partner to ask them questions.  
 22 They would also do the Batrus Hollweg  
 23 personality profile, the 20-minute timed portion. They --  
 24 it's an interview that takes two to three hours or longer.  
 25 The person can stay as long as they want.

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1 to interview and things were too busy or you know, maybe  
 2 the water main broke and all of a sudden things are crazy,  
 3 and you might have to come in to do it at a different  
 4 time, but that's part of the interview process.  
 5 Q. Why is it part of the interview process?  
 6 A. Why?  
 7 Q. Yes.  
 8 A. We -- Batrus Hollweg personality profiles -- we  
 9 try and -- you know, when you're interviewing people, you  
 10 don't have a crystal ball. We try to find people that are  
 11 going to fit within the framework of how Buca is running  
 12 things. We have a benchmark with our successful Paisano  
 13 Partners and managers, and then they measure against that.  
 14 Q. Is it fair to say that the purpose of the  
 15 personality test is to obtain objective information on the  
 16 personality traits of the candidate?  
 17 A. I think that would be probably fair to say.  
 18 Q. Who reviews the personality test upon its  
 19 completion?  
 20 A. The recruiter and the divisional vice president.  
 21 Q. The divisional vice president and the recruiter,  
 22 you said?  
 23 A. Correct.  
 24 Q. What is the next step following the on-the-job  
 25 interview with the Paisano Partner?

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1 They would also stay for family meal.  
 2 Every day, in all of our restaurants, we feed everybody  
 3 who works there for free.  
 4 Then they follow the Paisano Partner  
 5 around and essentially see what kind of job functions they  
 6 are doing so they can get an idea of what the job would be  
 7 like.  
 8 Q. At this point in the process, aside from sending  
 9 in a resume, is there a formal written application that a  
 10 candidate is expected to fill out?  
 11 A. After the phone interview they should be sent an  
 12 application that they would fill out and a disclosure  
 13 statement for the background check.  
 14 Q. Okay. Is that application supposed to be  
 15 completed prior to the interview with the Paisano Partner  
 16 in the area?  
 17 A. No. It hardly ever is because all of this is  
 18 happening over the phone and mail.  
 19 Q. Mm-hm. Whose decision is it to administer a  
 20 personality test to candidates at the stage where -- a  
 21 candidate at a job interview?  
 22 A. Whose decision?  
 23 Q. Yes.  
 24 A. That's part of the interview process. I mean we  
 25 always do it. There might be a time when a person came in

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1 A. Well, it depends on how it went.  
 2 Q. When you say "how it went," are you referring to  
 3 the interview, the personality test, or both?  
 4 A. The interview.  
 5 Q. Okay. What are the options at that point?  
 6 A. They -- the Paisano Partner could think that  
 7 that person is not a fit, or the person could have not  
 8 liked the on-the-job interview and doesn't want to pursue  
 9 the interview process, or the Paisano Partner thinks they  
 10 may or may not be a fit, and it would be time to meet with  
 11 a divisional vice president.  
 12 Q. Does the Paisano Partner have the authority to  
 13 screen out an applicant following the on-the-job  
 14 interview?  
 15 A. To "screen out"?  
 16 Q. Yes.  
 17 A. Yes, but if they are unclear -- if they're  
 18 unsure, they would probably pass it on because they -- if  
 19 they weren't sure, they would probably pass them on to the  
 20 divisional vice president.  
 21 Q. Do the Paisano Partners get into any standards  
 22 for deciding whether to screen out an applicant following  
 23 the on-the-job interview?  
 24 A. They have an interview form with questions and  
 25 evaluations, and then they work with their divisional vice

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